UN

CONFERENCE ON DISARMAMENT

CD/1124
11 February 1992

ENGLISH
Original: SPANISH

LETTER DATED 10 FEBRUARY 1992 FROM THE PERMANENT REPRESENTATIVE OF PERU ADDRESSED TO THE SECRETARY-GENERAL OF THE CONFERENCE ON DISARMAMENT TRANSMITTING THE TEXT OF THE DRAFT AGREEMENT ON MEASURES TO PROMOTE MUTUAL CONFIDENCE AND SECURITY BETWEEN PERU AND ECUADOR

I have the honour to transmit to you the text of the draft Agreement on measures to promote confidence and security between Peru and Ecuador delivered by Mr. Alberto Fujimori, the President of Peru, to Mr. Rodrigo Borja, the President of Ecuador, on 10 January 1992 during his State visit to the city of Quito.

This draft Agreement was accompanied by a memorandum relating to the final execution of the demarcation of the outstanding sections of the common frontier, pursuant to the Peace, Friendship and Boundaries Protocol of 1942 and the Braz Dias de Aguiar Decision, a draft Treaty on trade and navigation between the Governments of the Republic of Peru and the Republic of Ecuador, and a draft Agreement on frontier integration, also between the two countries.

I should be very grateful if you, Sir, in accordance with the established practice, would arrange for this text to be issued as an official document of the Conference on Disarmament and distributed to all delegations, including those of the member States and of the non-member States participating in the work of the Conference.

(Signed): Oswaldo de Rivero
Ambassador
Permanent Representative

DRAFT AGREEMENT ON MEASURES TO PROMOTE MUTUAL CONFIDENCE AND SECURITY BETWEEN PERU AND ECUADOR

The Governments of the Republic of Peru and the Republic of Ecuador,

Prompted by a desire to conduct their relations in a spirit of mutual respect, cooperation and integration and a firm resolve to find means of increasing the confidence and understanding of their peoples, and

Convinced that this is a prerequisite in their fundamental task of endeavouring to ensure the security and development of their peoples,

Hereby sign the present Agreement on Measures to Promote Mutual Confidence and Security between Peru and Ecuador:

Article 1. Measures shall be adopted to promote mutual confidence and to develop a concept of security within an adequate framework consistent with the mutual interest in strengthening the friendship and growing cooperation between both nations.

Article 2. To this end talks shall be held alternately in Peru and in Ecuador between their respective armed forces, at the Commander-General level or at the level of their representatives, to be attended by advisers from their respective Ministries of Foreign Affairs and any other persons that may be deemed necessary.

Article 3. In order to achieve an effective and comprehensive inter-agency rapprochement which will make possible greater understanding between the armed forces of both countries at the various levels, the armed forces of Peru and Ecuador and their respective intelligence services undertake to carry out, annually or every six months as they agree, programmes of activities which may consist of:

(a) Bilateral talks between the respective national intelligence services, both on the military factors of intelligence and on its other components which give it a comprehensive character;

(b) Bilateral regional intelligence talks between G-2, N-2 and A-2 in the military frontier regions;

(c) Exchanges of armed forces personnel on courses and training cruises, on the occasion of the anniversaries of historic events and for the purpose of other professional activities;

(d) Meetings of an official, professional and/or social nature between the commanders of frontier garrisons and naval zones;

(e) Mutual invitations to participate in events of a cultural, artistic, professional and/or sporting nature;

(f) Exchanges of magazines and publications of professional and/or social interest to the armed forces;

(g) Mutual provision of accommodation at the recreational facilities of the armed forces institutes, to encourage tourism by military personnel of both countries;

(h) Visits to firms producing military equipment, munitions factories, geographical institutes, aeronautical plants etc.;

(i) Mutual exchanges of health and hospital services at the facilities of the armed forces institutes;

(j) Exchanges of information on the social security and health systems for servicemen in each country;

(k) Logistical assistance and exchanges of information on the operation and maintenance of scientific research stations and other facilities in the Antarctic.

Article 4. In addition, both armed forces undertake to implement measures relating to the control of land, air, sea and river space in the frontier regions in order to prevent possible misunderstandings that might lead to incidents of a military nature, thereby lessening the adverse consequences that might arise therefrom.

Article 5. These measures shall, inter alia, comprise compliance with the standards of conduct for observation posts and garrisons on the frontier between Peru and Ecuador, in accordance with the current list of agreements concluded between the armies of both countries. The provisions of these agreements are summarized below:

A. General provisions

(a) The armies of Peru and Ecuador have drawn up the present set of provisions to avert unnecessary incidents, and to strengthen the links of peace and friendship between the two countries.

(b) This set of provisions shall be binding on all frontier units.

(c) Unit chiefs shall be the sole persons responsible for circulating these provisions; to this end they shall take the necessary measures to ensure that all personnel under their command are familiar with them and shall pay special attention to, and exercise strict supervision over, their execution by observation posts.

(d) Any failure to comply with the present provisions which gives rise to a frontier incident shall be the exclusive responsibility of the commands in question.

B. Standards of conduct

In the event of a chance encounter between patrols or individuals, the following formal actions shall be taken:

(a) There shall be no immediate recourse to firearms;

(b) Mutual identification shall be effected;

(c) The reasons for the presence of the patrol or person in question in that place shall be ascertained;

(d) A friendly act shall be undertaken (offer of cigarettes, invitation to eat a snack, start of a conversation, etc.);

(e) The patrols shall abandon the sector immediately;

(f) The incident shall be reported to the respective command.

C. Fraternization activities

With the aim of achieving harmony and good relations in the frontier zone:

(a) Units shall as far as possible provide each other with logistical support in direct proportion to the resources available and in a friendly and spontaneous manner, in accordance with the traditional spirit of fraternity between military personnel of the two nations, when special or unforeseen circumstances so require, as in the case of: epidemics, natural disasters, accidents of any kind, lack of medical services or communications, etc.;

(b) Invitations shall be extended to participate in sporting and recreational events;

(c) There shall be exchanges of social visits on such occasions as changes in command and the name days of senior commanders;

(d) The observation units and/or posts shall in principle be under the command of officers; if they are not, their appointed commanders shall be qualified non-commissioned officers, in order to ensure that any incident may be resolved with common sense and problems may be avoided;

(e) On the national days of Ecuador and Peru (10 August and 28 July respectively), observation units and/or posts shall present greetings in a spirit of fraternity.

D. Facilities for river vessels or aircraft

Such facilities shall be provided when, owing to an emergency or unfamiliarity with the sector in question, river vessels or aircraft have to moor or land in military garrisons; when the emergency is over, they may proceed to their destination and the respective commands shall be informed.

E. Training exercises

(a) Forty-eight hours' notice of training and/or artillery exercises shall be given to the command of the nearest major unit;

(b) Observation units and/or posts shall give 48 hours' notice of patrols and training exercises, with details of the sector to be used, dates and approximate duration.

F. Military courtesy

Instructions shall be given concerning the conduct of the personnel of military frontier garrisons; military courtesy shall be observed at all times.

G. Avoidance of violations of airspace

(a) Flights which entail violations of the airspace of the other country shall be avoided;

(b) In the event of an incursion into the airspace of the other country in the frontier region, the aircraft in question shall not be fired on; the competent command shall be informed of the incident, which shall be resolved through the intelligence headquarters of both countries.

H. Regular cleaning of frontier-markers

(a) Frontier-markers shall be kept clean at all times; their original characteristics shall not be modified and they shall not be defaced by writing or other acts injurious to the dignity of the neighbouring country;

(b) For the purpose of searching for or locating frontier-markers of which records have been lost, the commanders of observation units or posts shall conclude prior agreements for the purpose of locating the markers through joint action, in all cases in conjunction with the Ministries of Foreign Affairs of the two countries. The commanders of observation units or posts shall not be authorized to establish any formal claim relating to the location of the markers, since this shall be the exclusive responsibility of the Joint Demarcation Commission.

I. Frontier incidents or problems

In the event of a frontier incident or problem, only official communiqués shall be issued, in consultation with the Ministries of Foreign Affairs after discussions between the Chiefs of Intelligence of the two armies.

J. Patrol activities

The commanders of observation units or posts shall ensure that, in the course of patrol activities, the members of the patrol carry a signal pistol and/or whistle as a precautionary means of communication (three shots and/or three long whistle blasts at intervals of 5 to 10 minutes).

K. Activities connected with changes in command in the frontier regions

(a) Whenever there is a change in the command of an observation unit and/or post, combat unit or major unit, official greetings shall be exchanged;

(b) Whenever there is a change in the command of an observation unit and/or post, a meeting (to be known as a concord, peace and agreements meeting) shall be held; at this meeting, which shall take place at the nearest frontier-marker, the procedures specified in the relevant bilateral agreements shall be read out.

L. Sick or seriously injured personnel requiring urgent medical treatment which cannot be provided in one of the countries shall be evacuated to the territory of the neighbouring country

M. Mutual assistance shall be given in the supply of medicines where needed in order to combat epidemics or when supplies of patent medicines have been exhausted as a result of heavy use

N. Technical aspects of river and sea navigation

(a) Navigation shall be effected between river ports and shall be permitted in the cases provided for by law and in conformity with the international treaties in force;

(b) Any vessel navigating in the maritime waters of Peru shall have the right of innocent passage. ("Innocent passage" means the transit of foreign vessels through jurisdictional waters for commercial or scientific purposes or for purposes of tourism or goodwill visits. It also applies to warships; submarines shall be required to sail on the surface.)

(c) When a vessel, in the course of its voyage, has well-founded reasons for putting into port, it may make a change of route and enter the nearest port for any of the reasons listed below:

Crew member requiring specialized medical attention;

Lack of supplies;

Presence of enemies, privateers or pirates;

An accident which prevents it from navigating;

Engine damage;

Any other compelling reasons for taking this action;

(d) Since port piloting and river piloting are services of value to safety of navigation, human life and property, harbour-masters shall have at their disposal river/sea pilots, senior river pilots and ordinary river pilots; "port piloting" covers all movements effected in ports, anchoring manoeuvres, coming alongside, berthing and deberthing, and constitutes a continuation of piloting along the course of a river. Port piloting activities shall be effected without interruption at any time of the day or night;

(e) Any vessel that arrives at a river port shall be provided with the requisite port facilities;

(f) In the event of a shipwreck or accident, the vessel shall transmit the following information:

Whether the incident affects safety of navigation;

Situation of the vessel or, if it continues navigating, its port or place of destination.

To this end bilateral consultations shall be held in order to establish support systems for the conduct of joint rescue and salvage operations where necessary.

And to this end, a search and rescue plan shall be formulated.

The use of personnel and organized facilities in order to provide assistance promptly and effectively to persons in danger shall be coordinated, with the aim of avoiding or reducing the loss of human life resulting from shipwrecks or accidents.

Every vessel shall be obliged to provide assistance to any person in danger or lost overboard, provided that it is able to do so without serious risk to the vessel and persons on board.

Article 6. The Bipartite Commission on Measures to Promote Mutual Confidence and Security between Peru and Ecuador is hereby established as an institutional decision-making body responsible for the execution of the present Agreement.

Article 7. The members of the above-mentioned Commission shall be appointed by the Executive Authority of both countries.

Article 8. The Commission referred to in article 5 shall in turn form an integral part of the Bipartite Commission for Friendship, Cooperation and Integration between Peru and Ecuador, the supervisory body for all the mechanisms established to promote cooperation and integration between the two countries.

Article 9. The present Agreement shall enter into force after having been signed and ratified by the Parties in accordance with their respective legal procedures.

Article 10. The present Agreement shall be of unlimited duration. It may be formally denounced by either of the Parties through a written communication to the Ministry of Foreign Affairs of the other Party giving not less than six months' notice.